

MEMORANDUM

May 19, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOHANNA M. FONTENOT
Principal Deputy County Counsel
General Litigation Division

RE: Jovan Verdin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 316110 and BC 327338

DATE OF
INCIDENT: April 2002 - October 2004

AUTHORITY
REQUESTED: \$45,000

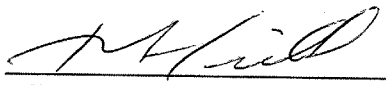
COUNTY
DEPARTMENT: REGISTRAR-RECORDER/COUNTY CLERK

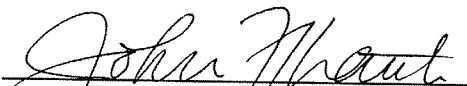
CLAIMS BOARD ACTION:

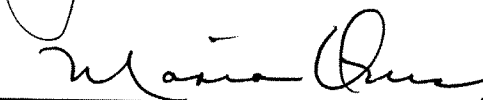
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on June 20, 2005

SUMMARY

This is a recommendation to settle for \$45,000, two lawsuits brought by Jovan Verdin, a clerk with the Registrar-Recorder/County Clerk's Office, who claims that she was subjected to sexual harassment and retaliation in violation of the Fair Employment and Housing Act ("FEHA").

LEGAL PRINCIPLES

The County may be held liable for harassment where the harassment is sufficiently pervasive so as to alter an employee's environment and create an abusive working environment (hostile work environment). In addition, the County may be liable for harassment and for a hostile work environment where an agent or supervisor of the County knows or should have known of the offensive conduct and failed to take immediate and appropriate corrective action.

SUMMARY OF FACTS

Jovan Verdin is a Clerk employed by the Los Angeles County Registrar-Recorder/County Clerk's Office since April 1990. She alleges that she was the victim of a sexual hostile work environment from April 2002 to March 2003, and that she was retaliated against after she complained.

Ms. Verdin worked on an assembly line at a warehouse located in Montebello where they process voting registration packets. In April 2002, she complained to her supervisor that a female co-worker assaulted her. Further, in May through July 2002, Ms. Verdin complained to her supervisor that two male co-workers made inappropriate sexual comments about her appearance, and were spreading rumors that she was having an affair. In July 2002, Ms. Verdin went off work on stress leave and did not return to work until March 2003.

Upon Ms. Verdin's return to work in March 2003, she made a second complaint that her co-workers made inappropriate sexual comments in her presence. In July 2003, Ms. Verdin accepted a transfer to the Registrar-Recorder Office in Norwalk. Ms. Verdin claims that she was denied overtime in Norwalk because of retaliation and that the transfer to Norwalk was retaliatory. The Department denies that it has retaliated against Ms. Verdin.

Investigation of Ms. Verdin's first complaint concluded that there was insufficient evidence to support Jovan Verdin's allegations of sexual harassment. However, an investigation into her second complaint of March 2003, did conclude that an employee was using inappropriate language in the workplace.

DAMAGES

Jovan Verdin alleges emotional distress as a result of the alleged sexual harassment and retaliation. Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional Distress	\$100,000
Attorney Fees	<u>\$150,000</u>
Total	<u>\$250,000</u>

STATUS OF CASE

Ms. Verdin sued the County and three individual defendants. The Court granted the majority of the County's motion for summary judgment by dismissing the three individual defendants and dismissing all the claims against the County except the claim for sexual harassment. Ms. Verdin filed a second lawsuit in January 2005 for retaliation under the FEHA. The proposed settlement of \$45,000 is a global settlement of the two FEHA lawsuits and of Ms. Verdin's pending workers' compensation claim.

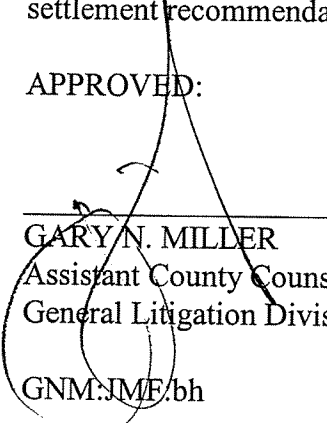
The court proceedings have been suspended pending consideration of this proposed settlement. Expenses incurred by the County in defense of these matters include attorney fees of \$56,248 and costs of \$4,023.

EVALUATION

This is a case of contested liability. Sexual harassment cases often turn on difficult questions of witness credibility. Although the internal investigations did not find evidence of sexual harassment, there was a finding that Jovan Verdin's co-workers did engage in inappropriate language, which may lead a jury to return a verdict in favor of Ms. Verdin. We believe that a jury award of damages coupled with the award of attorney fees could well exceed the recommended settlement amount.

We believe it is in the best interest of the County to settle this case for \$45,000. The Registrar-Recorder/County Clerk's Office concurs with this settlement recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:JMF/bh